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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,783	08/11/2000	Hidefumi Yamashita	13783 (JP9-1999-0150 US1)	8476
7590 12/17/2003		EXAMINER		
Scully Scott Murphy & Presser		NGUYEN, HOAN C		
400 Garden City Plaza		ART UNIT		
Garden City, NY 11530		PAPER NUMBER		

2871

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/636,783

Applicant(s)

YAMASHITA ET AL.

Examiner

HOAN C. NGUYEN

Art Unit

2871

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,7 and 10.Claim(s) withdrawn from consideration: 2-6,8,9 and 11-14.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

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Continuation of 5. does NOT place the application in condition for allowance because:

Response to Arguments

Applicant's arguments filed on 12/11/2003 have been fully considered but they are not persuasive.

Applicant's ONLY arguments are follows:

A. Colgan et al. do not disclose "there is provided a column-like structure for keeping the gap between said first and second substrates constant and a shape of said wall-like structure is determined based on a state of said column-like structure."

Examiner's responses to Applicants' ONLY arguments are follows:

A. Colgan et al. disclose

"a layer equivalent to the desired gap thickness, is formed by deposition or growth on the surface of the substrate to be the display area, the layer is then pattern etched to leave gap height establishing posts integral with the substrate at as many locations as are desired in the area of the display" (col. 1 lines 59-61).

"The barriers 25, 31 and 33 and the posts 24 and 34 are integral with the substrate 20, and are the gap space vertical dimension "A". (col. 4 lines 13-16)

Therefore, "there is provided a column-like structure for keeping the gap "A" between said first and second substrates constant and a shape of said wall-like structure is determined based on a state of said column-like structure."

Furthermore, responding to claim 7 is not proper. Colgan disclose

"The shape and arrangement of the barrier segments 25, 31 and 33 is to provide a barrier to the diffusion of contaminants from an adhesive, not shown, located in the region 29 at the peripheral edge of the face 23 and to permit a gas (AIR) to move through opening or interruptions 30 in the segmented wall" (col. 4 lines 29-34).

"the peripheral spacer posts 34 allow excessive glue 35 in the region 29 to flow out. Spacer barrier segments 25 and 31 provide for glue containment to keep it away from the array 26 and to keep the glue away from the liquid crystal in the array 26 area" (col. 5 lines 38-43).

"gap dimension maintaining posts and adhesive contaminant diffusion inhibition segmented walls, remain after the display area is etched back out of the layer" (col. 6 lines 18-21).

Wherein "glue" is seal member. Therefore, "Glue" must be fluidized to flow or diffuse into the segment walls.